

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

\* \* \* \* \*

UNITED STATES OF AMERICA,	*	4:23-CR-40057-01
	*	
Plaintiff,	*	
	*	Sioux Falls, South Dakota
-vs-	*	
	*	
EVAN FREDERICK LIGHT,	*	June 14, 2023
	*	
Defendant.	*	
	*	

\* \* \* \* \*

TRANSCRIPT OF  
DETENTION HEARING AND BOND HEARING  
BEFORE THE HONORABLE VERONICA L. DUFFY  
UNITED STATES MAGISTRATE JUDGE

\* \* \* \* \*

APPEARANCES:

Counsel for Plaintiff:	MR. JEREMY JEHANGIRI U.S. Attorney's Office P.O. Box 2638 Sioux Falls, SD 57101-2638
Counsel for Defendant:	MR. MATTHEW M. POWERS Federal Public Defender's Office 101 South Main Avenue, Suite 400 Sioux Falls, SD 57104
Also Present:	MR. EVAN FREDERICK LIGHT - Defendant
Transcriber:	MS. CHERYL A. HOOK, RMR, CRR U.S. District Court 225 S. Pierre St. Pierre, SD 57501

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# # # #

1 (In open court at 10:59 a.m.):

2 **THE COURT:** Thank you. Please be seated. We are  
3 here this morning in the matter of the United States of America  
4 versus Evan Frederick Light. This is Criminal case 23-40057.

5 Would counsel please note their appearance for the  
6 record?

7 **MR. JEHangiri:** Good morning, Your Honor. Jeremy  
8 Jehangiri on behalf of the United States.

9 **MR. POWERS:** Matt Powers with the Federal Public  
10 Defender's Office for Mr. Light.

11 **THE COURT:** And good morning to you, sir. You're  
12 Evan Light?

13 **THE DEFENDANT:** Yes. Good morning, Your Honor.

14 **THE COURT:** Evan, as you know, from our discussion  
15 the other day, this is the date and time that we set for  
16 holding a detention hearing in your case. The burden is on the  
17 government to demonstrate that you are a risk of flight by a  
18 preponderance of the evidence; or if they want to argue that  
19 you're a risk of danger, they have to prove that by clear and  
20 convincing evidence. So that's what we're going to be  
21 discussing and taking evidence on today.

22 Any questions for me before we get started?

23 **THE DEFENDANT:** No, Your Honor.

24 **THE COURT:** Okay. Jeremy, did you have evidence that  
25 you wanted to present?

1           **MR. JEHangiri:** Yes, Your Honor. The United States  
2 calls Richard Frank.

3           **AGENT RICHARD FRANK, GOVERNMENT'S WITNESS, SWORN**

4           **UNIDENTIFIED FEMALE VOICE:** Would you state and  
5 spell -- state and spell your first and last name for the  
6 record?

7           **THE WITNESS:** I'm Richard Frank. R-I-C-H-A-R-D  
8 F-R-A-N-K.

9                                   **DIRECT EXAMINATION**

10          **BY MR. JEHangiri:**

11          **Q** Good morning.

12          **A** Good morning.

13          **Q** Please introduce -- introduce yourself to the Court.

14          **A** I'm FBI Special Agent Richard Frank.

15          **Q** And how long have you been with the FBI?

16          **A** Since September of 2015.

17          **Q** Go back a little bit and you tell us about your formal  
18 education, following high school?

19          **A** Sure. I have a bachelor's in criminal justice, as well as  
20 a bachelor's of information technology, and a master's in  
21 public administration.

22          **Q** When did you get involved in law enforcement?

23          **A** September of 2015, when I was hired by the FBI as an  
24 intelligence analyst.

25          **Q** What's an "intelligence analyst"?

1     **A**     An "intelligence analyst" looks at raw, as well as  
2     completed intelligence, makes analysis based on that to help  
3     cases and prevent intrusions, attacks of criminal activity.

4     **Q**     What subject matter were you working in that capacity?

5     **A**     Sure. I worked Violent Gangs, Transnational Organized  
6     Crime, Western Hemisphere, Violent Crimes Against Children,  
7     Violent Incident Crimes Domestic.

8     **Q**     What did you do after your work as an intel analyst?

9     **A**     I became a special agent with the FBI in March of 2019.

10    **Q**     What's the subject matter on which you work now?

11    **A**     Cyber criminal. So criminal matters in the cyber  
12    spectrum.

13    **Q**     Okay. Have you been engaged in that specific work since  
14    becoming a special agent?

15    **A**     Yes.

16    **Q**     How are you involved with this case?

17    **A**     I was provided information in February of 2022 by another  
18    agent about the intrusion and subsequent cryptocurrency theft.  
19    So we opened up a case and began working that through present  
20    day.

21    **Q**     Okay.

22                 **MR. JEHangiri:** May I approach, Your Honor?

23                 **THE COURT:** You may.

24    **Q**     **(BY MR. JEHangiri)** I'm handing you what's been marked  
25    Government Exhibit 5. It is a sealed memorandum. Are you

1 familiar with that?

2 **A** Yes, sir.

3 **Q** It's filed with the Court. Did you have an opportunity to  
4 review the contents of that sealed memorandum?

5 **A** Yes, sir, I did.

6 **Q** Does it fairly and accurately set forth the facts that you  
7 know as part of this investigation?

8 **A** Yes, sir, it is.

9 **Q** So let's -- let's talk about cryptocurrency. Can you  
10 generally describe that for us?

11 **A** Sure. Cryptocurrency is software based, created value to  
12 transact value across the internet, ultimately. There's  
13 different forms of cryptocurrency. The ones that we are  
14 involved in -- and specific to this case -- started out with  
15 Bitcoin and Ethereum, although there are others that were  
16 transacted as well.

17 **Q** How are cryptocurrencies kept or stored?

18 **A** There is a number of ways to store them. One can be  
19 custodial. So like through --

20 **Q** What do you mean by that?

21 **A** "Custodial" would be an exchange or another service  
22 holding your private keys for you to control your -- your value  
23 of Bitcoin or Ethereum or other cryptocurrency. So services  
24 like Coinbase or Binance, things of that nature, are  
25 custodial -- can be custodial.

1           Then there's noncustodial forms of storage, which can  
2 be as small as a thumbnail, like a USB device, where you store  
3 your private keys or recovery seed phrase on that device off --  
4 off-line and not subject to anybody being able to get to it  
5 other than seizure. And you can use those private keys or  
6 recovery seed phrase to interact with a block chain and move --  
7 move the cryptocurrency.

8   **Q**    Okay. So in your investigation here of the defendant,  
9 did -- has the investigation demonstrated that he purchased  
10 items through and using cryptocurrency?

11   **A**    Yes, sir.

12   **Q**    And where -- where were those items delivered?

13   **A**    Those -- those were delivered to his primary residence at  
14 810 West Noble Street in Lebanon, Indiana.

15   **Q**    Was there a search warrant executed there?

16   **A**    There was.

17   **Q**    On or about what date was that?

18   **A**    May 9th, 2023.

19   **Q**    Those items -- how were they -- let's -- let's  
20 specifically ask. You just discussed cold storage or cold  
21 wallets are ways that individuals can individually keep  
22 cryptocurrency?

23   **A**    Yes, sir.

24   **Q**    Were items delivered to that house that can do that?

25   **A**    Yes, sir, there was.

1 Q Tell us -- tell the jury -- excuse me. Tell the judge  
2 those -- about those items.

3 A In approximately January and March of 2020, there were  
4 Trezor devices -- Trezor is a company that makes these USB  
5 devices for the cold storage -- that were delivered to his  
6 residence, as well as in, I believe, August of 2021,  
7 specifically purchased through an e-mail address attributed to  
8 the defendant.

9 Q Okay. Was there a name associated with that e-mail  
10 address?

11 A Yes.

12 Q What?

13 A It was jameslolfgts at gmail.com.

14 Q How many of those Trezors were delivered to that house?

15 A Approximately three out of that e-mail address, but they  
16 were other e-mail addresses that also went to that -- that  
17 address.

18 Q And -- and those e-mails, likewise, were attributable to  
19 the defendant?

20 A They were, yes.

21 Q How many total Trezors were delivered to that house?

22 A Approximately seven.

23 THE COURT: Can I just ask, are you saying  
24 "treasures" like T-R-E-A-S-U-R-E-S?

25 Q (BY MR. JEANGIRI) How do you -- spell it for us.

1     **A**     T-R-E-Z-O-R.

2                 **THE COURT:**   Okay.

3     **Q**     **(BY MR. JEHANGIRI)**   And it's just a brand name of a  
4     device.

5     **A**     Yes.   Like Ford or Chevy.

6     **Q**     Approximately how big were these devices used from the  
7     defendant's residence?

8     **A**     They're about two to three inches long, like a USB stick  
9     that you normally would purchase at (Indecipherable) Best Buy  
10    or Walmart or Target.

11    **Q**     Can you tell us how those function?   How can they function  
12    with regard to storing and serving as a cold wallet?

13    **A**     Sure.   They function in a number of ways.   They are  
14    usually encrypted with a pass code of varying lengths,  
15    anywhere -- I believe Trezor is anywhere between 6 and 50  
16    characters or digits.   So a pretty large encryption.   They  
17    would be -- usually you have to have a -- a computer device to  
18    interact with it, to open it up, and get to your private key.

19    **Q**     Okay.   What sort of devices work in conjunction with the  
20    Trezors?

21    **A**     Oh.   Laptops, tablets, cell phones, computer devices.

22    **Q**     Anything with an internet connection?

23    **A**     Yes.

24    **Q**     All right.   You mentioned "private key" a couple of times.  
25    Please tell us what that -- what you mean by that.

1     **A**     So there's a public key and a private key. A public key  
2     is what you would want everyone to know out in the world, like  
3     your physical address of your house. You want everything  
4     delivered to 810 West Noble Street in Lebanon, Indiana.

5             The private keys would be like the keys to your door.  
6     You don't give those out to everybody, because you don't want  
7     anybody to get inside of your residence and take all of your  
8     belongings.

9             So you give the public key out to everybody, so that  
10    way they know how to send that -- those cryptocurrencies to  
11    you, to your address; but your private key is your key in order  
12    move that money, transfer it, swap it, whatever you want to do  
13    with it.

14    **Q**     All right. So you mentioned at the beginning of your  
15    testimony that there was an intrusion that took place in and  
16    around February of 2022?

17    **A**     Yes, sir.

18    **Q**     And then there was a cryptocurrency theft that took place  
19    on or about the same time?

20    **A**     Yes, sir.

21    **Q**     Now, the purchase of those Trezors or similar devices did  
22    they predate, postdate the intrusion and theft or both?

23    **A**     Both.

24    **Q**     Okay. How many other devices, similar to Trezors, were  
25    located in the defendant's residence?

1     **A**     So there was seven Trezors that we seized on May 9th.  
2     There was one Ledger, which is another brand name for the same  
3     type of service that Trezor provides.

4     **Q**     Can you spell that for us too?

5     **A**     Sure. Ledger, L-E-D-G-E-R. And then there was also a  
6     watch -- a Franck Muller watch. Franck is spelled a little  
7     differently, F-R-A-N-C-K. Muller, M-U-E-L-L-E-R [sic] or  
8     something like that. I'm not sure exactly without looking at  
9     it.

10    **Q**     Are those high-end time pieces?

11    **A**     Yes. It was approximately \$12,000.

12    **Q**     That can likewise serve as a cold storage device?

13    **A**     So the watch -- on the face of the watch is a QR code. A  
14    QR code can be encoded to have the public key, so that public  
15    address. So you could literally show your watch to somebody on  
16    the street, and they could scan it with their phone or device,  
17    and then send you cryptocurrency. The way the Franck Muller  
18    watches work is you have a separate device that would give you  
19    access to the private key to that specific wallet.

20    **Q**     Do those separate devices similarly work with the other  
21    cold storage devices, cold wallets?

22    **A**     Say that again.

23    **Q**     Can you use a separate device to access those Trezors,  
24    Ledgers, and watches?

25    **A**     You could. Specifically, they have what's called

1 "recovery seed phrases." "Recovery seed phrases" are between  
2 12 and 24 words -- sometimes even longer -- of words that you  
3 pull from a dictionary that's already set out on the internet.  
4 That's like your fail-safe or your backup, that, if you don't  
5 have the private key but you know these 12 or 24 specifically  
6 chosen words by you, you can reconstitute the private key even  
7 without having that Trezor or Ledger or other devices. So just  
8 because we seized those devices on May 9th, they could be,  
9 quote, unquote, "in the wind" tomorrow with access to those  
10 recovery phrases.

11 Q Where were those devices -- the seven Trezors, the one  
12 Ledger, and the watch -- where were those located in the house?

13 A There was several locations. Some -- I don't have the  
14 specific numbers -- some were on -- at least one was on the  
15 defendant's desk in his bedroom. There were some in the living  
16 room in drawers. There was one, I believe, in the kitchen as  
17 well. They were throughout the house.

18 Q Was it a large house?

19 A You know, the house is large (Indecipherable), but I  
20 believe it's a little over 900 square feet, two-bedroom  
21 one-bath, I believe.

22 Q Who else lived there?

23 A The defendant's mother, Melinda Nix.

24 Q Okay. So back to these Trezor -- these -- these devices.  
25 Can someone alter the access points to these devices remotely?

1     **A**     I don't think that they could access -- they could change  
2     the encryption that's already been chosen on that device.

3     **Q**     Okay.

4     **A**     But that's -- it -- it wouldn't matter. If they could  
5     have -- if they had the recovery seed phrase, they don't need  
6     it.

7     **Q**     So if you have the key or the recovery seed phrase, it  
8     doesn't matter?

9     **A**     Yes, sir.

10    **Q**     Can you, then, move cryptocurrency, whether Bitcoin,  
11    Ethereum, or other types of crypto digital assets, from those  
12    devices in that fashion?

13    **A**     Yes, sir, absolutely.

14    **Q**     Does it matter who was in possession of the devices?

15    **A**     No.

16            **MR. JEHangiri:** Your Honor, I'd ask that this -- I  
17    think this is a witness. I'd ask that that person be  
18    sequestered for purpose of this hearing?

19            **THE COURT:** Can you -- sir, I'm sorry. Can you  
20    identify yourself?

21            **UNIDENTIFIED MALE VOICE:** (Indecipherable).

22            **THE COURT:** Okay. The government attorney has asked  
23    that all witnesses that are going to testify today be  
24    sequestered.

25            Matt, do you anticipate calling his father?

1           **MR. POWERS:** I haven't even had an opportunity to  
2 speak with him. But potentially, yes, Your Honor.

3           **THE COURT:** Okay.

4           I would ask you to take a seat out in the hallway,  
5 then, until you're called.

6           **UNIDENTIFIED MALE VOICE:** Yes, Your Honor.

7           **THE COURT:** Thank you.

8           (Unidentified male left the courtroom.)

9   **Q (BY MR. JEHangiri)** Showing you what's been marked as  
10 Government Exhibit 1. Do you recognize that?

11   **A** Yes, sir, I do.

12   **Q** What is it?

13   **A** It's a portion of the Google search history from the  
14 jamesloifgts at gmail.com account that was searched by the --  
15 the government.

16   **Q** Is this a summary of some items that you took directly  
17 from the data associated with that e-mail account?

18   **A** Yes, sir. As -- in regards to today's matter.

19           **MR. JEHangiri:** Your Honor, I would move admission of  
20 Government 1.

21           **THE COURT:** Exhibit -- sorry.

22           Any objections to Exhibit 1?

23           **MR. POWERS:** No, Your Honor.

24           **THE COURT:** Exhibit 1 will be received.

25           **MR. JEHangiri:** Judge, did you get one?

1                   **THE COURT:** Yup, I have one.

2       **Q**     **(BY MR. JEHANGIRI)** Special Agent, can you see that on the  
3 screen in front of you?

4       **A**     Not yet. (Pause.) Yes, I can see it now.

5       **Q**     All right. Tell us again what we're looking at here on  
6 Government Exhibit 1.

7       **A**     Sure. This is a portion of the Google search history from  
8 the defendant's e-mail account.

9       **Q**     What -- what are we looking at here? (Indecipherable) --

10      **A**     Sure.

11      **Q**     -- (Indecipherable) for the record's sake?

12      **A**     So the "source" would be that it was from a Google search  
13 conducted by going to, like, Google.com or an app on your phone  
14 and type in Google.com and making a search --

15      **Q**     (Indecipherable).

16      **A**     The date -- yup. Go ahead.

17      **Q**     (Indecipherable).

18      **A**     The date and time would be the date and time of the  
19 search.

20      **Q**     Okay. And that search is that (Indecipherable) to the  
21 account, there?

22      **A**     Yes. Conducted by that account.

23      **Q**     Okay. And what -- what were these searches for, generally  
24 speaking?

25      **A**     Various -- various matters. They were regarding how to

1 buy a passport, how to -- about a fake passport, extradition.  
2 Like, the definition of it through Wikipedia. Nonextradition  
3 countries from the United States, particularly matters  
4 involving hacking, SIM swapping, things that the -- the  
5 defendant is at issue with, countries specifically outlined as  
6 nonextradition countries. There was information about  
7 (Indecipherable) in other countries that are known extradition  
8 countries, conversions of amounts of money. I think I said  
9 about the fake passports. Citizen -- citizenship requirements  
10 to other countries, specifically Canada. Yeah. And also,  
11 like, it was about whether a certain country extradites to the  
12 United States.

13 Q All right. So I'm going to draw your attention to the  
14 lower part of this exhibit. The intrusion regarding this case  
15 was in and around February of 2022?

16 A Yes, it was.

17 Q And so these at 5-4-21 and above, predate the -- the  
18 intrusion?

19 A (Indecipherable).

20 Q Had the -- had overt acts, in furtherance of the  
21 intrusion, started at some point before the intrusion?

22 A Yes.

23 Q Approximately when?

24 A That goes back to 2021.

25 Q Okay. So about halfway up this summary chart of Google

1 searches?

2 **A** Yes.

3 **Q** Was there another -- in your investigation, have you  
4 learned of other conduct of the defendant in any intrusion and  
5 crypto theft?

6 **A** We have learned of other instances of cryptocurrency  
7 threats by the defendant, yes.

8 **Q** Does the date of that fall within the scope of what's on  
9 (Indecipherable) found on Exhibit 1?

10 **A** It does, yes.

11 **MR. JEANGIRI:** Can I have a moment, Judge?

12 **THE COURT:** You may.

13 (Pause.)

14 **MR. JEANGIRI:** May I approach, Your Honor?

15 **THE COURT:** Yup. You don't have to ask. We don't  
16 have a jury here.

17 **MR. JEANGIRI:** All right.

18 **Q** (BY **MR. JEANGIRI**) I'm handing you what's been marked as  
19 Exhibits 3 and 4. (Indecipherable). Yup, 3 and 4. Do you  
20 recognize those?

21 **A** Yes, I do.

22 **Q** How so?

23 **A** Exhibit Number 3 is of several items, but I think the main  
24 item is the -- I believe it's a Smith & Wesson handgun.

25 **Q** Where was -- how do you recognize that?

1     **A**     That was -- that's a photo -- a scoped in photo, so to  
2     speak, of the defendant's bedroom on the date of the seizure --  
3     or the search and seizure on May 9th of 2023.

4     **Q**     So that was found in his house in his bedroom?

5     **A**     Yes. You can see just to the right, a part of his desk.  
6     That chair in the background is the chair that he would sit at  
7     in front of his monitors. And the gun was sitting on the  
8     computer desktop, facing the door.

9     **Q**     Do you recall, was it loaded?

10    **A**     It was loaded, yes.

11    **Q**     I'll have you look at the next exhibit, Number 4. Do you  
12    recognize that?

13    **A**     I do.

14    **Q**     How so?

15    **A**     It was another firearm that was located during the search  
16    on May 9th, 2023.

17    **Q**     Do you -- do you recall where that firearm was located?

18    **A**     I believe it was in the kitchen pantry or closet. I'm not  
19    sure exactly what it would be considered, the pantry or closet  
20    in the kitchen.

21    **Q**     All right. Do those -- those pictures fairly and  
22    accurately depict what was -- what you observed on the day of  
23    your search inside the defendant's house?

24    **A**     They did.

25    **Q**     Did you make any alterations or deletions to any of those

1 photos?

2 **A** No. Other than placement where they were, but no.

3 **Q** (Indecipherable) got it.

4 **A** Maybe took a picture in maybe different locations from  
5 where they were.

6 **Q** Okay. That's how it was located in the house on  
7 Exhibit 3?

8 **A** Yes. Sorry. The -- on Exhibit 3, that's where the gun  
9 was, on -- on the computer desk tower. The photo of the --  
10 Exhibit 4 is on the table outside the residence because we  
11 needed room to take a photo of it.

12 **Q** Understood.

13 **MR. JEHangiri:** Your Honor, I move admission of those  
14 two Exhibits, 3 and 4.

15 **THE COURT:** Any objection?

16 **MR. POWERS:** No objection, Your Honor.

17 **THE COURT:** Exhibits 3 and 4 will be received.

18 **MR. JEHangiri:** That's all I have, Your Honor.

19 **THE COURT:** Cross-examination?

20 **MR. POWERS:** Yes, Your Honor.

21 **CROSS-EXAMINATION**

22 **BY MR. POWERS:**

23 **Q** Good morning, Special Agent Frank.

24 **A** Morning, sir.

25 **Q** Can you hear -- I'm not at a microphone. Can you hear me

1     okay?

2     **A**     I can hear you, yes, sir.

3     **Q**     So the first question I just want to ask -- you've got  
4     Government Exhibit 1 here.  You're saying that this is an  
5     e-mail account that you believed is associated with my client;  
6     is that correct?

7     **A**     Yes, sir, it is.

8     **Q**     And you've -- how long have you been working on this case?

9     **A**     Since -- about two days after the -- the intrusion and  
10    theft.  So February of 2022, the entire time.

11    **Q**     Did you participate in the -- the search of my client's  
12    home or his mother's home?

13    **A**     I did.

14    **Q**     Have you spoken to my client or have you done any, I  
15    guess, additional background, with my client?

16    **A**     I have spoken to him during an attempted interview of him  
17    on the day of his arrest.  I -- sorry.

18    **Q**     (Indecipherable).

19    **A**     Also, during the transport of him to and from the county  
20    jail for that night and to marshal's custody, and upon his  
21    initial appearance down in Indianapolis.

22    **Q**     So in your work on your -- on this case, have you learned  
23    my client's age?

24    **A**     Yes.

25    **Q**     So you know that he's 20 years old?

1     **A**     I do.

2     **Q**     Do you know that his birthday is in February? Are you  
3     aware of that?

4     **A**     February 3rd of 2003, yes, sir.

5     **Q**     So if we're looking here at lines 1 through 4, he would be  
6     15 years old when these searches were taken place?

7     **A**     Yes, sir.

8     **Q**     And then we got -- beginning at -- the next three, this  
9     would be right after his birthday, the February 5th, would be  
10    right after his birthday, so right after he turned 16. Is that  
11    right?

12    **A**     Yes, sir.

13    **Q**     And that would be the same the next two entries here?  
14    These are when he's 16 years old?

15    **A**     Yes, sir.

16    **Q**     And then all of these that appear in 2020, these would be  
17    when he was 17 years old?

18    **A**     Yes, sir.

19    **Q**     So you would agree with me all of those -- everything  
20    we're looking at so far is the stuff that he did on the  
21    computer when he was a kid?

22    **A**     There is reference, yes, he was a minor at the time.

23    **Q**     So then after beginning here (Indecipherable) 2021, the  
24    first one here is -- this is when he's still -- excuse me --  
25    February -- or excuse me -- January 27th, this is right before

1 his birthday?

2 **A** Yes, sir, it is.

3 **Q** Okay. So again, when he's still 17 years old?

4 **A** Yes, sir.

5 **Q** And then after the remaining searches beginning on  
6 February 17th of 2021, that would be after he turned 18 years  
7 old?

8 **A** Yes, sir.

9 **Q** The -- and as already asked about, the searches here in  
10 October 2022, these are after -- excuse me -- I'm going to move  
11 this up, so you can see it. These are the only searches that  
12 occurred after February of 2022 or after the alleged intrusion  
13 by my client, correct?

14 **A** They are, yes, sir.

15 **Q** So -- and here, when we look at these, we see searches  
16 from October the 6th. They are about regarding Canadian  
17 citizenship, right?

18 **A** Yes, sir.

19 **Q** Any evidence that he has ever applied for Canadian  
20 citizenship?

21 **A** Not to my knowledge, no.

22 **Q** The first search is way back when he's 15 years old.  
23 They're all about how to obtain a U.S. passport, correct?

24 **A** (Indecipherable).

25 **Q** Up here at the top.

1     **A**     (Indecipherable).

2     **Q**     "Buy passport, state department, state department." These  
3     first three.

4     **A**     (Indecipherable) acquire a passport both legally and  
5     illegally, sir.

6     **Q**     And any evidence that he's ever obtained a passport  
7     legally or illegally?

8     **A**     Not to my knowledge, no.

9     **Q**     Any passports recovered from his home?

10    **A**     No, sir.

11    **Q**     Any identifications of any kind recovered from his home?

12    **A**     Such as?

13    **Q**     Any type of identification recovered from his home? Like  
14    some sort of photo identification.

15    **A**     His school photos.

16    **Q**     School photos?

17    **A**     Yes, sir.

18    **Q**     No driver's license?

19    **A**     No, sir.

20    **Q**     No passport?

21    **A**     No, sir.

22    **Q**     And no evidence -- and you've gone through his Google  
23    search history, correct?

24    **A**     At this point, yes, sir.

25    **Q**     You've gone through his -- his computer?

1     **A**     (Indecipherable) sir.

2     **Q**     Okay. You testified about this firearm in Government  
3     Exhibit 3. Anything illegal about that firearm?

4     **A**     No, sir.

5     **Q**     Anything illegal for a 20-year-old to own that firearm?

6     **A**     No, sir, not at all. This -- and we did not seize it  
7     either.

8     **Q**     Anything illegal about the firearm in Government  
9     Exhibit 4?

10    **A**     Not to my knowledge, no, sir.

11    **Q**     Was that firearm seized?

12    **A**     It was not.

13    **Q**     If the firearm had been found illegal, would it have been  
14    seized?

15    **A**     It would have been, yes. With probable cause, yes.

16    **Q**     Anything illegal about a 20-year-old, no criminal history,  
17    owning that firearm, Government Exhibit 4?

18    **A**     No, sir.

19    **Q**     You testified that seven Trezor devices were purchased  
20    that you found in the Google search; is that right?

21    **A**     Yes, sir.

22    **Q**     And you seized seven of them from his mother's home?

23    **A**     It was his mother's house, yes, sir.

24    **Q**     Where he lived? Where my client lived?

25    **A**     Yes, sir. I would consider that his house.

1     **Q**     You stated that the -- regarding the alleged intrusion in  
2     February 2022, that it was supposed to have involved my client.  
3     You stated on -- again, these searches here in October of 2022,  
4     these all occurred eight months after the intrusion?

5     **A**     They did, sir, yes.

6     **Q**     And the searches -- you testified that the work on the  
7     intrusion in February of 2022 began in 2021, but you didn't say  
8     when. The last search we have here is in May of 2021. Do you  
9     have any evidence that there was any work on this intrusion in  
10    South Dakota that was being done before May of 2021?

11    **A**     I think it was shortly after May 2021 (Indecipherable) --

12    **Q**     So these searches we're looking at here, these were all  
13    done prior to any work that was done on the intrusion in  
14    South Dakota?

15    **A**     Yes, sir, it was.

16            **MR. POWERS:** May I have a moment, Your Honor?

17            **THE COURT:** Sure.

18            (Pause.)

19    **Q**     **(BY MR. POWERS)** You testified regarding how  
20    cryptocurrency works, correct?

21    **A**     Yes, sir.

22    **Q**     You testified about how people can access through  
23    cryptocurrency?

24    **A**     Yes, sir.

25    **Q**     The -- is there anything inherently illegal about owning

1 cryptocurrency?

2 **A** Not at all, sir.

3 **Q** You testified that individuals can -- essentially, it  
4 seemed to me, like, keep their cryptocurrency effectively at a  
5 bank, like a third-party to hold it. Is that a fair analogy?

6 **A** Yes. Such as Binance or Coinbase, yes, sir.

7 **Q** Any evidence in this case that my client was doing that?

8 **A** Not from him, although he did send significant sums of  
9 money to family members, including his mother, about \$140,000,  
10 approximately, over the time frame.

11 **Q** What -- you say "the time frame." What do you mean?  
12 What's the time frame? A week or a year?

13 **A** Over two years.

14 **Q** So over a two-year period he gave his -- it appears that  
15 he gave his mother over \$140,000?

16 **A** Yes, sir, he did.

17 **MR. POWERS:** I have no further questions, Your Honor.

18 **THE COURT:** Any redirect, Jeremy?

19 **MR. JEANGIRI:** Yes. Just a little bit.

20 **REDIRECT EXAMINATION**

21 **BY MR. JEANGIRI:**

22 **Q** Did mom work --

23 **A** She worked --

24 **Q** -- during that time frame, the last year, the \$140,000?

25 **A** There was an overlap. I -- if -- if I can expound on it

1 just a bit?

2 Q Mm-hmm.

3 A In 2020-ish (Indecipherable) in 2020, she was still  
4 working or on the payroll with a local HVAC company, heating  
5 and air-conditioning company. "Control Tech" I believe the  
6 name of it was. I believe she got injured at some point, and  
7 there was an overlap between her payroll checks and when  
8 deposits from Coinbase started into her Huntington bank  
9 account. So there was a small overlap of a couple months, and  
10 then the -- the payroll from Control Tech stopped. And the  
11 only influx was from the cryptocurrency from Coinbase from the  
12 defendant.

13 Q Okay. Were those transfers from the defendant when he was  
14 a kid, or was it when he was an adult?

15 A Let's do a little bit of math for a second. I believe it  
16 started in 2020 -- August of 2020. He would be 17. So it  
17 was -- started when he was a minor, but continued on until days  
18 before the -- his arrest where he was sending money to his  
19 mother, to his cousin, and others.

20 Q Those monies derived -- you mentioned generally from  
21 another criminal cryptocurrency theft.

22 A Yes, sir.

23 Q That took place in about April of 2021; is that right?

24 A Yes, sir.

25 Q He wasn't a kid then, right?

1     **A**     April of 2021. No, he was not. He was --

2     **Q**     And so --

3     **A**     He was an adult.

4     **Q**     So about halfway down this draft to the end, he's no  
5     longer a kid.

6     **A**     Yes, sir. He was of -- he was of age, 18.

7     **Q**     And together, as an adult, what's -- in very general  
8     terms -- the amount in dollars associated with the allegations  
9     here and that of the other case?

10    **A**     Tens of millions of dollars.

11                 **MR. JEHANGIRI:** Nothing further.

12                 **THE COURT:** Any recross?

13                 **MR. POWERS:** (Indecipherable).

14                 **UNIDENTIFIED PERSON:** I'm sorry?

15                 **MR. POWERS:** (Indecipherable). No, Your Honor.

16                 **THE COURT:** Thank you. You can step down.

17                 **THE WITNESS:** Thank you.

18                 (Witness excused.)

19                 **THE COURT:** Any other evidence on behalf of the  
20     government?

21                 **MR. JEHANGIRI:** I would just -- that was admitted  
22     under seal. And so rather than proffering it, I'm just going  
23     to rely on that.

24                 **THE COURT:** When you say "that," what are you talking  
25     about?

1           **MR. JEHangIRI:** Exhibit 5 --

2           **THE COURT:** Okay.

3           **MR. JEHangIRI:** -- that I marked for him and filed  
4 under seal.

5           **THE COURT:** Yup. And that's been --

6           **MR. JEHangIRI:** I'm going to --

7           **THE COURT:** -- served on Mr. Powers?

8           **MR. JEHangIRI:** It has.

9           **THE COURT:** Yeah.

10          **MR. JEHangIRI:** And so other than argument, I have  
11 nothing further.

12          **THE COURT:** Okay. Any evidence on behalf of  
13 Mr. Light?

14          **MR. POWERS:** I would request a recess. My witness  
15 arrived from Indiana while we've been conducting this hearing.

16          **THE COURT:** Sure. Yup. We'll take a brief recess.  
17 Just let the clerk know when you're ready to resume.

18          **MR. POWERS:** Thank you, Your Honor.

19               (Recess at 11:37 a.m.)

20               (In open court at 11:49 a.m.:)

21          **THE COURT:** Did you wish to call a witness, then,  
22 Matt?

23          **MR. POWERS:** Yes, Your Honor. We'd call Mr. Fred  
24 Light to the stand.

25          **THE COURT:** Okay. Please come forward to be sworn.

1                   **FREDERICK LIGHT, DEFENDANT'S WITNESS, SWORN**

2                   **UNIDENTIFIED FEMALE VOICE:** Would you please state  
3 and spell your first and last name for the record?

4                   **THE WITNESS:** My name is Frederick Light,  
5 F-R-E-D-E-R-I-C-K. Last name is L-I-G-H-T.

6                   **DIRECT EXAMINATION**

7                   **BY MR. POWERS:**

8           **Q**     Good morning, Mr. Light.

9           **A**     Good morning.

10          **Q**     I just want to begin with a little background. So -- I  
11 don't need the exact address. The Court already has that. But  
12 what -- what city and state do you live in?

13          **A**     I live in Bargersville, Indiana. It's a south suburb of  
14 Indianapolis.

15          **Q**     And -- and would you spell the name of the town for us?

16          **A**     B-A-R-G-E-R-S-V-I-L-L-E.

17          **Q**     Do you rent or do you own your own home?

18          **A**     We own.

19          **Q**     And who -- who lives in your home with you?

20          **A**     My -- my wife and my -- my daughter. She's just seven,  
21 and I adopted.

22          **Q**     If -- if your son, Evan, were allowed to be released,  
23 would you have room for him in your home?

24          **A**     Absolutely, absolutely.

25          **Q**     The -- what kind of work do you do?

1     **A**     I'm a contract for a company. We do a lot of the leaf --  
2     gutter protection, you know, Leaf Guard. We assemble, produce,  
3     and we also install them. This company I had -- started  
4     probably six months ago, close to that. I was union and left  
5     that to do what I'm doing now. So --

6     **Q**     So if -- if released, will your son be able to come and  
7     work with you?

8     **A**     Yeah. He will be, yes.

9     **Q**     Is that your plan?

10    **A**     It is. If he is released, that's what's going to happen.  
11    That's the stipulation, you know.

12    **Q**     Would he be coming -- would he be coming to work with you  
13    every day or just occasionally?

14    **A**     No. Every day, every day.

15    **Q**     The -- if the Court were to release him and put a curfew  
16    in place, would you ensure that he abides by that curfew?

17    **A**     Absolutely, sure.

18    **Q**     If he violated the curfew, would you immediately call his  
19    probation officer?

20    **A**     I would, I would. It's -- I don't -- I'm -- you know,  
21    with this whole situation, you know, I'm just, you know, kind  
22    of (Indecipherable) but I -- I want everything to be right, you  
23    know. I don't want, I mean, you know, him to get in more  
24    trouble or myself, you know, whatever. But I (Indecipherable)  
25    whatever I need to.

1 Q The -- if the Court were to order an ankle monitor or  
2 placing your home as set up like the base station?

3 A Sure, absolutely.

4 Q The -- one of the things the Court could order is that he  
5 doesn't have any access to computer devices -- or at least that  
6 they're monitored -- is that something that you could ensure  
7 happening as well?

8 A Yes. Yes, I could.

9 Q Would you ensure that he obeys all of the Court's  
10 orders --

11 A Yes, sir.

12 Q -- if he is released?

13 A Yes.

14 Q How many days -- you said he'd would come to work with  
15 you. How many days a week do you work?

16 A It would be six days. Monday through Saturday.

17 Q You work -- you work six days a week?

18 A Yes. Saturdays are usually half days, but yes.

19 Q The -- now, your -- you and -- we've already heard  
20 testimony that he was -- that your son was living with -- I  
21 think, is it your ex-wife?

22 A We were never married, but yes.

23 Q Okay. But his mother?

24 A Yup.

25 Q During this -- the last few years, do you have -- how

1 would you describe your contact with your son?

2 **A** It -- it -- it was -- we stayed in contact. There was,  
3 you know, times where, you know, if I would text, I would get a  
4 response back a week or so later. You know, it's kind of one  
5 of them things. It was a lot -- a lot of hit and miss. But  
6 we -- you know, we did see each other, talk, whatever. It was,  
7 like, you know, no time lost at all, you know. Basically,  
8 (Indecipherable) he -- he's a homebody, you know. And he  
9 suffers -- he has a social anxiety disorder. So it's hard to  
10 kind of get him out, you know, away from the home at that time.  
11 But it seemed like the older he got, the easier it is. So --

12 **Q** The -- during the last few years, was there any period of  
13 time where he was living with you?

14 **A** No. This in the beginning of his life when we were  
15 together. He pretty much stayed with his mom, you know, the  
16 whole time.

17 **Q** Okay. When -- so -- when is the last time you lived --  
18 that he was actually just living at your house or living under  
19 your roof?

20 **A** We split up when he was three.

21 **Q** Okay.

22 **A** So he's 20 now. So --

23 **Q** Do you have any concerns about him coming to stay with  
24 you?

25 **A** No, no. Not at all, not at all.

1           **MR. POWERS:** Mr. Light, I have no further questions.

2           **THE WITNESS:** Okay.

3           **THE COURT:** Any cross-examination?

4                           **CROSS-EXAMINATION**

5   **BY MR. JEHANGIRI:**

6   **Q**    Good morning, sir

7   **A**    Hi. How are you doing?

8   **Q**    You had previously received money from your son via  
9   Coinbase.

10   **A**    I did. Yes -- yes, sir.

11   **Q**    You have a prior felony conviction?

12   **A**    I do.

13   **Q**    What kind of vehicle do you drive?

14   **A**    I have -- now I have a Dodge -- 2004 Dodge pick- -- a  
15   truck.

16   **Q**    What color?

17   **A**    It's silver and black.

18   **Q**    So you haven't had much contact with him. How  
19   frequently --

20   **A**    (Indecipherable).

21   **Q**    -- would you guys talk over -- per month?

22   **A**    Once a week. It was sometimes more.

23   **Q**    Did I hear you -- I may have misheard you. Did you say  
24   that a week would go by before you would receive a text  
25   message?

1     **A**     There -- there was times like that. I mean, you know --  
2     I'm just being honest -- yes, there was times like that.  
3     But -- and in between those times, I would speak with his  
4     mother.

5     **Q**     Your relationship with her is not very good.

6     **A**     We -- we get along for Evan's sake. You know, I'll say  
7     that much.

8     **Q**     And she can't take him anymore because she was evicted; is  
9     that right?

10    **A**     That's my impression. That's my understanding.

11    **Q**     So you don't know?

12    **A**     I don't know what she was evicted for.

13    **Q**     Are you aware that she's also facing criminal charges too?

14    **A**     I am. I am. This is her first time being arrested as  
15    well.

16    **Q**     And there -- what are the nature of the charges?

17    **A**     I -- I don't know. I don't -- I don't pay that much  
18    attention to that. You know what I mean? My son is my focus  
19    when it comes to me and hers relationship.

20    **Q**     So you have never -- you have not lived with him for 17  
21    years?

22    **A**     Correct. In that ballpark.

23    **Q**     And you're -- you're now going to --

24    **A**     I was still a father during those times. You know what I  
25    mean? I still -- when he was younger, I still got him on the

1 weekends, sometimes during the week, you know.

2 Q You're, then, going to employ him full time?

3 A Yes.

4 Q Assuming he gets released?

5 A Yes.

6 Q Doing what?

7 A He'll be working with me side by side.

8 Q What's his work history?

9 A Honestly, as far as what I know, for Evan working is what  
10 he's -- you know, create -- like, you know, creating websites.  
11 He's done that for -- is my impression from what I'm being  
12 told, you know.

13 Q He has been doing that for several years?

14 A That's what I -- yes, that's what I was being told.

15 Q And then he went to high school for how many years? Four?

16 A No. I think two maybe, one and a half.

17 Q Okay. So if the school records were -- had him enrolled  
18 from 2017 to 2021, that would be accurate or inaccurate?

19 A I would say -- you know, he didn't graduate.

20 Q Okay. Back to the work. What do you do?

21 A I --

22 Q What is -- what is a day for you?

23 A Basically, I would go to the shop. I would get my job for  
24 whatever jobs, you know, that we have for the day; get my  
25 material; get it on the truck; go to the customer's home; and

1 then fix or replace whatever gutter there was. And then we  
2 would put the -- the guard on it, so -- or the filter, so  
3 debris and stuff doesn't get back in them.

4 Q He would do the same thing?

5 A Absolutely.

6 Q Does he have experience doing that?

7 A No.

8 Q He --

9 A It's a two-day training thing. So it's not, I mean, very  
10 hard.

11 Q Got it. You have a big truck. What other cars do you  
12 have? What -- what was his -- what would his transportation be  
13 if he were released?

14 A He would ride with me.

15 Q Okay. Same vehicle?

16 A Same vehicle, yes, sir.

17 Q Do you have a mobile phone?

18 A I do.

19 Q How many?

20 A I have one.

21 Q How about your wife?

22 A She has one -- or she has two. She has one for work and  
23 one personal.

24 Q How about your seven-year-old?

25 A She doesn't have one.

1 Q Ipads?

2 A She has one, I guess.

3 Q What other electronic devices are in your house?

4 A Besides TVs, I mean, it's -- that's about it.

5 Q Are they smart TVs?

6 A All but two -- all but one. I'm sorry.

7 Q So how many TVs do you have?

8 A We have one -- four. I got one in my room.

9 Q Okay. So three -- three are smart TVs?

10 A Yes, sir.

11 Q And so you get access to the internet.

12 A Yes, sir.

13 Q Get on, watch Hulu?

14 A Sure, yes.

15 Q Okay. You hear where I'm going?

16 A I hear where you're going, yeah.

17 Q Yeah, yeah. Okay.

18 A You know, I just -- I'm not a tech savvy guy. You know,

19 I'm just being honest with you. I can't even hardly type my

20 name on a computer. So --

21 Q I'm not worried about you.

22 A I understand that.

23 Q Okay.

24 A I understand that. I do have a TV, though, that's not a  
25 smart TV.

1 Q Got it. I show you what's been marked as Government  
2 Exhibit 2. Is that you?

3 A It is me.

4 Q All right.

5 A It is.

6 Q You're holding a firearm?

7 A Yes.

8 Q And is that at his house?

9 A It's a rifle, yes.

10 Q Okay.

11 A I went and got that back after all of this took place. I  
12 got it for his birthday.

13 Q Okay. So you bought him this firearm?

14 A I bought -- yes.

15 Q Okay.

16 MR. JEANGIRI: I move the admission of Government  
17 Exhibit 2.

18 THE COURT: Any objection?

19 MR. POWERS: No objection, Your Honor.

20 Q (BY MR. JEANGIRI) That's outside of --

21 THE COURT: Exhibit 2 be will be received. Sorry.

22 MR. JEANGIRI: I'm sorry. Thank you.

23 THE COURT: I just want to make the record.

24 Q (BY MR. JEANGIRI) Did that -- that -- that's you leaving  
25 his residence?

1     **A**     Yes, sir.

2     **Q**     How frequently were -- did you go to that residence?

3     **A**     Not much, to be honest with you. Not much. She had, you  
4     know, someone she was with that I didn't, you know, kind of  
5     agree with too well, you know. But if Evan wanted to see or  
6     talk to me, I would -- you know, I'd pick him up. You know, I  
7     didn't just go hang out, you know.

8     **Q**     So you took possession of this firearm.

9     **A**     I did.

10    **Q**     Did you take possession of this one?

11    **A**     No. No. They left them there. The rifle and whatever  
12    gun she had. So -- that's why I took it back.

13    **Q**     Got it.

14            **MR. JEHANGIRI:** Nothing further. Thank you.

15            **THE COURT:** Any further redirect?

16            **MR. POWERS:** No, Your Honor.

17            **THE COURT:** Thank you, Mr. Light. You can step down.

18            **THE WITNESS:** Thank you, Your Honor.

19            (Witness excused.)

20            **THE COURT:** Any other witnesses on behalf of the  
21    defense?

22            **MR. POWERS:** No, Your Honor.

23            **THE COURT:** Okay. I'll hear argument, then.

24            Jeremy, you have the burden. So I'll hear from you  
25    first.

1           **MR. JEHANGIRI:** Your Honor, I rely on the sealed  
2 pleading, particularly as it relates to obstruction and the  
3 nature of the offenses charged. The nature and circumstances  
4 of the charges, coupled with the nature and seriousness posed  
5 by the defendant's prerelease, I think are very dire in this  
6 case. I don't say that very often -- or really ever --  
7 especially in what's termed a white-collar case.

8           This is -- this is unlike any case. It is  
9 perpetrated in the shadows, and it is -- he has been doing this  
10 for a number of years. And it is no small figure that he is  
11 responsible for the theft of tens of millions of dollars and  
12 has immediate access upon release of that money. There is no  
13 way anybody could track him a hundred percent. And that's what  
14 we would -- that's -- that's what's necessary here.

15           The danger associated with him getting access to a  
16 phone, which is what he has been dying to do, since being in  
17 custody, would destroy the opportunities for us to obtain for  
18 the hundreds of victims that have been ripped off, including  
19 those with retirement and investment accounts. That is what  
20 the nature and circumstances of this offense looked like.

21           He has coordinated and communicated with others about  
22 the deleting information from the jail. He has corroborated  
23 much of our evidence, which goes to the 3142(g) factors, on  
24 weight of the evidence.

25           This is -- the access to cryptocurrency, Bitcoin, and

1 Ethereum, in particular, via those Trezors, Ledger, watch, from  
2 any electronic device, coupled with the motivation to avoid  
3 accountability in this Court, is extremely high.

4 The flight risk -- so the flight risk not only  
5 articulated in the sealed pleading and what we've outlined here  
6 with regard to the access to the funds and his motivation, his  
7 search warrants, his searches -- excuse me -- just the charges  
8 alone, I could -- anybody could stand up here and say, "You  
9 know, he has been charged with 15,000 counts and he faces a  
10 million years in prison." No.

11 At this point, at this point, we -- we have sought  
12 and obtained a two-count indictment as a placeholder for  
13 various reasons. One is because this is an ongoing situation,  
14 which is why I sought the Court's permission to file that  
15 memorandum under seal -- one of the reasons. But it's still  
16 20 -- 20 years each, with a statutory max of 40. That, too,  
17 oftentimes, in cases like white -- quote, unquote, "white  
18 collar cases" doesn't really fit the bill.

19 What is telling for the Court's consideration is the  
20 guidelines associated with his conduct. It is above the stat  
21 max for one count. We're talking here about 25 years on the  
22 guideline range. And so it's associated with the nefarious  
23 activity that he has done in the shadows to acquire vast  
24 amounts of money from people he has no association with, from  
25 people who are tied to this district in South Dakota. He has

1 zero ties.

2           While I find it commendable that his father showed  
3 up, I implore the Court to keep Mr. Light, the defendant,  
4 detained. I think the nature and circumstances of the charges,  
5 coupled with the nature and seriousness -- seriousness posed  
6 by his potential release justifies continued detention.

7           We have offered evidence on all three prongs. I  
8 think the evidence about the swatting goes to danger. I'll --  
9 I'll leave that -- I -- I briefly touched on them in the sealed  
10 pleading. But it involved a heavy-duty SWAT response to divert  
11 law enforcement from doing their job, again, from the shadows.  
12 The Google VoIP number resolving to -- to the defendant and  
13 others.

14           I have -- I have some problems with what's contained  
15 in the pretrial sentence -- pretrial report, one of which is  
16 the claims of his education. The school records don't merit --  
17 follow that. The source of his money, some of the statements  
18 he made in Indiana, coupled with those that -- in this court in  
19 the affidavit that came out and that are in the pretrial report  
20 raise serious concerns.

21           The fact that his father -- I don't mean to disparage  
22 the father -- but he's in possession of a firearm as a prior  
23 felon. They articulate in the pretrial release report that  
24 there are no firearms there. There are a number of things that  
25 are problematic in that report.

1           And so I -- I just don't believe that the defendant  
2 was candid with the Court and the pretrial service writer.  
3 Granted, she was operating in a vacuum and taking the defendant  
4 at his word.

5           But for those reasons, based on danger, risk of  
6 flight, and obstruction, we'd ask that he remain detained.

7           **THE COURT:** Okay.

8           Matt.

9           **MR. POWERS:** Yes, Your Honor. I'll go ahead and use  
10 the podium as well here, if that's okay.

11          **THE COURT:** Absolutely.

12          **MR. POWERS:** The first thing, Your Honor, I do want  
13 to just address the -- whether or not my client was candid in  
14 the presentence report. I -- I'm looking -- my -- my client --  
15 my client dropped out of school after -- either in ninth grade  
16 or after ninth grade. I don't know what the record -- school  
17 records would -- but that -- that -- those are the facts, Your  
18 Honor. He has -- doesn't have any formal education after --  
19 after that, like attending school. But he -- so I just did  
20 want to address that regarding being candid with probation.  
21 There's -- obviously, there's -- that's something that would be  
22 literally no reason to lie about. There would be no benefit  
23 for him, one way or the other.

24          Your Honor, with respect to danger to the community,  
25 I think the government -- the only thing that we have is the

1 memorandum the government files. It references a swatting  
2 call. That swatting call, as the government indicated -- it  
3 doesn't specifically say in the memorandum that there's --  
4 that -- again, the caller did not identify themselves, and the  
5 government attributes that call to, quote, "The defendant and  
6 others." There is no evidence that my client -- if a SWAT call  
7 was made, there is no evidence that my client made that call.  
8 And even -- even if he did, Your Honor, I would argue that that  
9 doesn't rise to the level of presenting a danger to the  
10 community going forwards, if he is released on bond.

11 With respect, Your Honor, to risk of flight,  
12 Mr. Light is a -- a 20-year-old without a driver's license or a  
13 passport. The only ID that they recovered from his home was a  
14 school ID. He doesn't drive. He doesn't have a car.

15 His father -- he's going to be working and living  
16 with his father at his father's home. They're going to be  
17 working six days a week. His father can ensure that he is  
18 following the rules, as laid forth by the Court.

19 I think that -- and, obviously, as I've heard the  
20 Court comment previously, he could cut off an ankle bracelet.  
21 But we have -- with his father making sure he's doing what he's  
22 supposed to do and with an ankle monitor, I think those are two  
23 levels of assurance that negate any risk of flight here.

24 The government has talked about, at length,  
25 cryptocurrency. That would be no different than one of the

1 very famous bond cases out of the Southern District of  
2 New York, Your Honor, was Bernie Madoff's case. There's  
3 billions of dollars at stake there.

4 Just because it wasn't in cryptocurrency, I guess, my  
5 point is, Your Honor, just because Mr. Light may or may not  
6 have money in cryptocurrency or have access to cryptocurrency,  
7 that's no different than any other defendant, perhaps the  
8 defendant who made an initial appearance in Florida yesterday  
9 who's worth a couple billion dollars.

10 Just because someone has access to funds doesn't mean  
11 that they're going to flee the country, that they're not going  
12 to show up in court. He literally has no criminal history of  
13 any kind. He's never failed to show up for anything because  
14 he's never been in trouble before.

15 So the -- the discussions or any phone calls from a  
16 20-year-old about -- that sets forth jail phone calls about  
17 being scared and hoping he gets house arrest, those are normal  
18 conversations for anyone who has never been in trouble to have.  
19 And I would ask the Court to give no weight to that at all, the  
20 fact that someone hopes to get house arrest, hoping to get out  
21 of trouble.

22 Your Honor, the idea that Mr. Light is somehow a  
23 flight risk because he is appearing to want to work out some  
24 sort of agreement with the government, I think that negates  
25 that. That's also laid forth in their memorandum.

1           There's nothing here, Your Honor, that would show  
2           that he is a risk of flight. The fact that he may or may not  
3           have access to money does not mean he is a risk of flight. The  
4           fact that he searched about fake passports when he's 15 years  
5           old does not give him a risk of flight.

6           The fact that he Googled Canada, Canadian citizenship  
7           after these -- or that -- he's alleged -- an e-mail account  
8           associated with him is alleged to have Googled Canadian  
9           passports, when no steps were ever taken to obtain a Canadian  
10          passport, again, does not demonstrate a risk of flight, Your  
11          Honor.

12          For all of those reasons, we're asking that Mr. Light  
13          be released on conditions. I would suggest, Your Honor, one of  
14          the conditions that would be appropriate in this case is that  
15          he either be completely precluded from accessing  
16          internet-capable devices or -- I know frequently in certain  
17          types of cases where there is a concern, internet-monitoring  
18          devices can be put on cellular phones. One of those two routes  
19          would be appropriate, Your Honor.

20               **THE COURT:** Okay. Thank you.

21          Evan, the law that I have to consider in determining  
22          whether to release you is called the "Bail Reform Act." Under  
23          that law, there's two things I have to look at, whether you're  
24          a risk of flight, that means can I count on you to come back to  
25          court when you're supposed to, and whether you're a risk of

1 danger to the community or others. Risk of flight has to be  
2 proven by a preponderance of the evidence, and risk of danger  
3 has to be proven by clear and convincing evidence.

4 Is there any information in the Bail Reform Act or in  
5 the -- the bail report on you? I agree with the probation  
6 officer that you present a favorable case for release.

7 Based on the information that's been presented in  
8 open court today, via the government, I'm finding that you  
9 should not be released.

10 And, Mr. Light, Frederick Light, I want you to know  
11 that I find that you would be a perfectly appropriate custodian  
12 of your son. The decision I'm making doesn't have anything to  
13 do with you. I appreciate the fact that you support him, that  
14 you're here, that you're willing to take him into custody at  
15 your house and keep an eye him. And, frankly, I think it would  
16 be good for him to work with you, day in and day out, and have  
17 to learn to do some work with his hands. But the Bail Reform  
18 Act doesn't ask me to decide what -- what would be good for  
19 your son. It asks me to decide if he's a flight risk or a  
20 danger.

21 I've signed dozens and dozens of search warrants in  
22 this case. So there is a lot of information that I know about  
23 that Agent Frank summarized. The one that I thing I didn't  
24 know about, until today's hearing, was the loaded pistol that  
25 was sitting right next to Evan's computer stand in his bedroom.

1           There has been extensive research done by the  
2 defendant on extradition. And, frankly, I don't think the fact  
3 that he did some of it when he was a minor and some of it when  
4 he was an adult makes any difference at all. It shows to me  
5 preparation for the day that he might get caught if that were  
6 to happen.

7           The other piece of evidence that really caught my  
8 eye, when Agent Frank was testifying, was the fact that,  
9 although the government has seized these external devices --  
10 the seven Trezors and the Ledger device -- that there's a  
11 workaround. And that even though those physical devices are  
12 not in Evan's possession, that there's a way for him to access  
13 the money that is stored on there, if there is money stored on  
14 there, even without the devices.

15           This allegation involves the theft of tens of  
16 millions of dollars. If someone is motivated to escape and has  
17 the computer skills that Evan might -- clearly has and has  
18 access to that kind of money, I don't think anyone could make  
19 sure that he didn't leave. Mr. Light and his wife and his  
20 daughter have to sleep sometime. There are ways to get around  
21 ankle monitors, at least to delay notification that you have  
22 parted ways with that device for a sufficient period of time to  
23 allow you to get somewhere.

24           I agree they didn't find any forms of identification  
25 for Mr. Light at his home. The search warrants that I've

1 signed shows that he has connections with people all over the  
2 world and is in communication with them. I don't find it at  
3 all farfetched or James Bondian to believe that someone could  
4 arrange for fake identification for him and place those into  
5 his hands.

6 So, reluctantly, I do find that Mr. Light is a risk  
7 of flight, because of the amount of the money, because of the  
8 high level of his computer expertise, because of the motivation  
9 that's been demonstrated by the computer searches to escape,  
10 and because you're 20 years old and you've never been in  
11 trouble before. And I know that must be horrendous to be in  
12 your shoes, and I understand that sometimes people can be  
13 tempted into doing things that they would regret later,  
14 thinking that they might be able to escape the long arm of the  
15 law.

16 So as to risk of danger, I am very concerned about  
17 the pistol. However, there's nothing else indicated in the  
18 evidence that would show that he's a risk of danger. That's a  
19 higher burden of proof for the government to show. They have  
20 to show clear and convincing evidence. I don't know what the  
21 origins of the pistol were. We found out the long rifle came  
22 from his father.

23 So I don't -- there may be preponderance of the  
24 evidence to support risk of danger, but there's not clear and  
25 convincing evidence. So I'm finding the government has not

1 shown that aspect, and I'm going to detain Mr. Light based  
2 solely on risk of flight.

3 I know that's not the result you were hoping to hear  
4 today, Evan. But if you have any questions for me, I'm happy  
5 to try to answer them. Do you have any questions?

6 **THE DEFENDANT:** No, Your Honor.

7 **THE COURT:** Okay. Matt, is there anything else that  
8 you would like to place on the record?

9 **MR. POWERS:** No. Thank you, Your Honor.

10 **THE COURT:** Okay. Jeremy?

11 **MR. JEHANGIRI:** No. Thank you.

12 **THE COURT:** Thank you. We'll be adjourned.

13 (End of proceedings at 12:20 p.m.)

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1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF SOUTH DAKOTA SS CERTIFICATE OF REPORTER  
CENTRAL DIVISION

\* \* \* \* \*

3 I, Cheryl A. Hook, official United States District  
4 Court Reporter, Registered Merit Reporter, Certified Realtime  
Reporter and Notary Public, hereby certify that the above and  
5 foregoing transcript has been transcribed to the best of my  
ability from the District Court's FTR recording system  
consisting of pages 1 through 52.

6 I further certify that I am not a relative or  
employee or attorney or counsel of any of the parties hereto,  
7 nor a relative or employee of such attorney or counsel; nor do  
I have any interest in the outcome or events of the action.

8 IN TESTIMONY WHEREOF, I have hereto set my hand  
and official seal this 26th day of June, 2023, at Pierre,  
9 South Dakota.

*/s/ Cheryl A. Hook*

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11 \_\_\_\_\_  
CHERYL A. HOOK, RMR, CRR  
12 Court Reporter and Notary Public  
225 S. Pierre St. #420  
13 Pierre, SD 57501  
Phone: (605) 945-4626  
Email: cheryl\_hook@sdd.uscourts.gov  
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